

EXHIBIT A

From: Kovacs, Caitlin <CKovacs@beneschlaw.com>
Sent: Tuesday, May 7, 2024 11:52 AM
To: Isaac Zaur <izaur@cgr-law.com>; Frey, Timothy <TFrey@beneschlaw.com>; Dan Wachtell <dan@danwachtell.com>
Cc: Watson Moss, Kate <KWatsonMoss@beneschlaw.com>; Dave Kumagai <dkumagai@cgr-law.com>
Subject: [EXTERNAL] RE: Your voicemail re Cassava

Isaac,

Thanks for the conversation yesterday. As noted in our emails and on the phone yesterday, we are concerned that a 60-day response period would unduly delay the case. You did not articulate any special circumstances that would require this amount of time to respond to our Amended Complaint, particularly where the referenced posts were part of the prior Complaint, and the Court already narrowed the open issues through its prior ruling.

In an effort to move this case along and also offer you a reasonable extension, we are happy to agree to a 30-day response period and up to 50 pages for your opposition. Alternatively, we would also agree to a 60-day response period if your client would agree to opening discovery on Monday, May 13, so that we can move the case forward simultaneously with the briefing schedule. We would ask that any extension of days or pages that we offer you would also be reciprocated so that we can adequately respond to your client's motion.

Please let us know if either of these options works for you. If neither does, and you choose to file a motion, please inform the Court of our offers.

Best,
Caitlin



Caitlin A. Kovacs
(she/her/hers)

Partner | Litigation
Benesch Friedlander Coplan & Aronoff LLP

t: 312.624.6392 | m: 614.804.0562
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From: Kovacs, Caitlin <CKovacs@beneschlaw.com>

Sent: Monday, May 6, 2024 4:42 PM

To: Isaac Zaur <izaur@cgr-law.com>; Frey, Timothy <TFrey@beneschlaw.com>; Dan Wachtell <dan@danwachtell.com>

Cc: Watson Moss, Kate <KWatsonMoss@beneschlaw.com>; Dave Kumagai <dkumagai@cgr-law.com>

Subject: RE: Your voicemail re Cassava

Great, thanks. I'll call you in a few minutes.



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From: Isaac Zaur <izaur@cgr-law.com>

Sent: Monday, May 6, 2024 4:12 PM

To: Kovacs, Caitlin <CKovacs@beneschlaw.com>; Frey, Timothy <TFrey@beneschlaw.com>; Dan Wachtell <dan@danwachtell.com>

Cc: Watson Moss, Kate <KWatsonMoss@beneschlaw.com>; Dave Kumagai <dkumagai@cgr-law.com>

Subject: RE: Your voicemail re Cassava

I'm getting on a train but should be free a little after that – say about 5:45ET/4:45CT.

From: Kovacs, Caitlin <CKovacs@beneschlaw.com>

Sent: Monday, May 6, 2024 5:03 PM

To: Isaac Zaur <izaur@cgr-law.com>; Frey, Timothy <TFrey@beneschlaw.com>; Dan Wachtell <dan@danwachtell.com>

Cc: Watson Moss, Kate <KWatsonMoss@beneschlaw.com>; Dave Kumagai <dkumagai@cgr-law.com>

Subject: [EXTERNAL] RE: Your voicemail re Cassava

Hi Isaac,

I sent you an email a few minutes before your reply below. You may have missed it.

Can I call you at 430 ct? Thanks.



Caitlin A. Kovacs
(she/her/hers)
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From: Isaac Zaur <izaur@cgr-law.com>
Sent: Monday, May 6, 2024 3:58 PM
To: Kovacs, Caitlin <CKovacs@beneschlaw.com>; Frey, Timothy <TFrey@beneschlaw.com>; Dan Wachtell <dan@danwachtell.com>
Cc: Watson Moss, Kate <KWatsonMoss@beneschlaw.com>; Dave Kumagai <dkumagai@cgr-law.com>
Subject: RE: Your voicemail re Cassava

Tried you again just now on both numbers listed below.

Isaac

From: Isaac Zaur
Sent: Monday, May 6, 2024 4:14 PM
To: Kovacs, Caitlin <CKovacs@beneschlaw.com>; Frey, Timothy <TFrey@beneschlaw.com>; Dan Wachtell <dan@danwachtell.com>
Cc: Watson Moss, Kate <KWatsonMoss@beneschlaw.com>; Dave Kumagai <dkumagai@cgr-law.com>
Subject: RE: Your voicemail re Cassava

Caitlin, I tried calling a few minutes ago. I have a call that will likely go to 5pm ET and will try you then.

From: Kovacs, Caitlin <CKovacs@beneschlaw.com>
Sent: Monday, May 6, 2024 12:16 PM
To: Isaac Zaur <izaur@cgr-law.com>; Frey, Timothy <TFrey@beneschlaw.com>; Dan Wachtell <dan@danwachtell.com>
Cc: Watson Moss, Kate <KWatsonMoss@beneschlaw.com>; Dave Kumagai <dkumagai@cgr-law.com>
Subject: [EXTERNAL] Re: Your voicemail re Cassava

Hi Isaac,

I'm Caitlin, good to meet you over email. The length of time and pages you've requested seems a little out of the ordinary and this case has already been languishing for some time. That said, I'm happy to discuss it and hear what reasons you have for needing this long. Are you available sometime this afternoon?

Thanks,
Caitlin



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From: Isaac Zaur <izaur@cgr-law.com>
Sent: Monday, May 6, 2024 9:21:08 AM
To: Frey, Timothy <TFrey@beneschlaw.com>; Dan Wachtell <dan@danwachtell.com>
Cc: Watson Moss, Kate <KWatsonMoss@beneschlaw.com>; Dave Kumagai <dkumagai@cgr-law.com>; Kovacs, Caitlin <CKovacs@beneschlaw.com>
Subject: RE: Your voicemail re Cassava

Left you a voicemail just now. Given the length of the complaint, not to mention our own other personal and professional commitments, I think our request is more than reasonable. Moreover, as you may recall, we promptly consented to your own request for an extension of time to object to the magistrate judge's report and recommendation. I'm available to discuss, but I must say that I'm disappointed in this response and if you are not going to agree we will just take the question to the court.

Isaac

From: Frey, Timothy <TFrey@beneschlaw.com>
Sent: Monday, May 6, 2024 10:15 AM
To: Isaac Zaur <izaur@cgr-law.com>; Dan Wachtell <dan@danwachtell.com>
Cc: Watson Moss, Kate <KWatsonMoss@beneschlaw.com>; Dave Kumagai <dkumagai@cgr-law.com>; Kovacs, Caitlin <CKovacs@beneschlaw.com>
Subject: [EXTERNAL] RE: Your voicemail re Cassava

Hi Isaac,

Apologies for the delay. We will consent to thirty days for the response, and a brief up to 40 pages. If you would like to discuss, please let us know and we can schedule a call.

Thanks,

Tim



Timothy M. Frey
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From: Isaac Zaur <izaur@cgr-law.com>

Sent: Monday, May 6, 2024 9:07 AM

To: Frey, Timothy <TFrey@beneschlaw.com>; Dan Wachtell <dan@danwachtell.com>

Cc: Watson Moss, Kate <KWatsonMoss@beneschlaw.com>; Dave Kumagai <dkumagai@cgr-law.com>

Subject: RE: Your voicemail re Cassava

Hi Tim. Following up here. I'd like to reach out to the court on this today or tomorrow.

From: Frey, Timothy <TFrey@beneschlaw.com>

Sent: Thursday, May 2, 2024 12:04 PM

To: Isaac Zaur <izaur@cgr-law.com>; Dan Wachtell <dan@danwachtell.com>

Cc: Watson Moss, Kate <KWatsonMoss@beneschlaw.com>; Dave Kumagai <dkumagai@cgr-law.com>

Subject: [EXTERNAL] RE: Your voicemail re Cassava

Thanks, Isaac. We will get back to you soon.



Timothy M. Frey

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From: Isaac Zaur <izaur@cgr-law.com>

Sent: Wednesday, May 1, 2024 11:04 AM

To: Frey, Timothy <TFrey@beneschlaw.com>; Dan Wachtell <dan@danwachtell.com>

Cc: Watson Moss, Kate <KWatsonMoss@beneschlaw.com>; Dave Kumagai <dkumagai@cgr-law.com>

Subject: RE: Your voicemail re Cassava

Tim, understood. Sounds like that's resolved, but if clerk/Court should come back and ask for our position, you can tell them we consent.

Separately, we are going to need more than 14 days and likely more than 25 pages to respond to the Second Amended Complaint. Will you consent to make our response due 60 days from today and to a brief of up to 50 pages?

Thanks,
Isaac

Isaac B. Zaur
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From: Frey, Timothy <TFrey@beneschlaw.com>
Sent: Wednesday, May 1, 2024 11:37 AM
To: Dan Wachtell <dan@danwachtell.com>
Cc: Isaac Zaur <izaur@cgr-law.com>; Watson Moss, Kate <KWatsonMoss@beneschlaw.com>
Subject: [EXTERNAL] RE: Your voicemail re Cassava

Dan,

Thanks for getting back to me. It appears that the clerk's office initially rejected the SAC because the 30 day deadline fell on Saturday and the system did not account for the FRCP and Local Rule moving deadlines falling on the weekend to the next Monday. This morning, the Court accepted the filing and removed the deficiency.

Thanks,

Tim



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From: Dan Wachtell <dan@danwachtell.com>
Sent: Wednesday, May 1, 2024 10:23 AM
To: Frey, Timothy <TFrey@beneschlaw.com>

Cc: Isaac B. Zaur <izaur@cgr-law.com>

Subject: Your voicemail re Cassava

Tim,

Thanks for your voicemail yesterday. Sorry I didn't get a chance to return your call yet. We will be getting back to you soon.

Best regards,
Dan

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